IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13497 of 2004

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SANOSARI SEVA SAHKARI MANDLI LTD.THRO.MANAGER/ ADMINISTRATOR
Versus
STATE OF GUJARAT

Appearance:
MR MB GOHIL for Petitioner No. 1
MR LB DAHI A.G.P. for Respondent No. 1-3
RULE NOT RECD BACK for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI
Date of decision: 27/12/2004

ORAL JUDGEMENT

1. The petitioner has by way of this petition prayed to quash and set aside the order passed by respondent no. 1 and to remand the matter for fresh decision.

2. I have heard the learned advocates for the

respective parties and have perused the relevant record. It appears that the order of liquidation was passed without following the procedure and without considering the facts and circumstances of the case. In my opinion, without entering into the merits of the case and in view of the decision of this Court in the case of Apexa Co-op. Bank Ltd. v. District Registrar & Ors., reported in 1993 (2) G.L.H. p.861, the interest of justice would be met if the orders passed by the authorities are quashed and set aside and directing the respondent authorities to take a fresh decision. Accordingly the orders impugned in the present petition are quashed and set aside. It will be open for the respondents to follow the procedure as laid down in the aforesaid decision and to take a fresh decision in accordance with law.

3. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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